

## ORDINANCE NO. 2016-12

AN ORDINANCE AMENDING ARTICLE 5, SECTION 6 OF ORDINANCE NO. 639 (1966) AND SECTION 14.12.300 OF THE MALVERN MUNICIPAL CODE TO REGULATE SOIL, SAND, ANIMAL AND VEGETABLE FATS, OILS, AND GREASE, AS WELL AS LINT TRAPS AND INTERCEPTORS.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MALVERN AS FOLLOWS:

That Article 5, Section 6 of Ordinance No. 639 (1966) and Section 14.12.300 of the Malvern Municipal Code be amended to read as follows:

Section 1. Purpose. The purpose of this ordinance is to limit the discharge of fats, oil, and grease (FOG), flammable substances, soil, sand, and other harmful waste into the collection system and wastewater treatment facility of the City of Malvern Municipal Utilities by requiring certain owners or operators to provide a device to intercept and eliminate these waste from the sewer collection system and to enable the City of Malvern to comply with its National Pollutant Discharge Elimination System (NPDES) permit, and to comply with all other state and federal laws on sludge disposal, sludge use, and other requirements.

Section 2. Definitions. In the interpretation and application of this chapter the following words and phrases shall have the indicated meanings:

1. "Administrative Authority." Malvern City Code Enforcement Officer and the Superintendent of the Sewer Department
2. "FOG" Fats, oils, and grease
3. "Grease Interceptor." An interceptor whose rate flow is 50 g.p.m. or less and is typically located inside the building.
4. "Grease Recovery Device (GRD)." A receptacle designed to collect and retain fats, oil, and grease normally found in kitchen and similar waste. A device installed in the drainage system between the kitchen or other point of production of the waste and building sewer.
5. "Grease Trap." An interceptor whose rate flow exceeds 50g.p.m. and is located outside the building.
6. "Interceptor." A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal waste, while permitting normal sewage or waste to discharge into the drainage system by gravity.
7. "Black water" Septic and human waste water's
8. "Separator." A receptacle designed to remove oil and grease from wastewater by separation, usually by simple flotation or by chemical addition where the oils or grease are soluble or emulsified.
9. "Superintendent." Wastewater Superintendent of the City Utility

Section 3. Fats, Oil, and Grease (FOG), waste food, soil, and sand interceptors. FOG, waste food and sand interceptors shall be installed by owner or operator when, in the opinion of the Administrative Authority, they are necessary for the proper handling of liquid waste containing fats, oils, and grease, ground food waste, sand, soil, and solids, or

other harmful ingredients in excessive amounts which impact the wastewater collection system. Such interceptors are not required for single-family residences, but may be required on multiple family residences. All interceptors shall be of the type and capacity approved by the Malvern City Code Enforcement Officer and/or the Superintendent of the Sewer Department, and shall be located as to be readily and easily accessible for cleaning and inspection.

Section 4. General Criteria of Fats, Oil, Grease, and Food Waste.

1. The Superintendent may periodically inspect each facility on an as-needed basis to assure that each facility is complying with this ordinance.
2. Through preventive maintenance records or emergency calls related to FOG, the Superintendent may identify and target "grease problem areas" in the wastewater collection system. Food service and other similar facilities located upstream of these problem areas and discharge their waste water into the "problem" lines will be identified as potential contributors to the grease buildup. The Superintendent may inspect the grease interceptors of all food service and similar facilities in the vicinity of the "problem area", making note of maintenance records, sizing, and condition.
3. The facility's grease control practices and the adequacy of their grease control interceptor/equipment may be assessed. Maintenance records may also be reviewed.
4. Following the inspections, the Superintendent may send written notice to the inspected food service or other similar facility the results of the inspection. An inspection will result in one of the following actions:
  - a. Facilities equipped with an appropriate and adequately sized grease interceptor will be notified of their compliance.
  - b. Facilities that are not in compliance shall be required to develop, and submit to the Superintendent and implement a proposed plan design to achieve compliance through, including but not limited to improved housekeeping, increased maintenance, or pumping on the existing grease interceptor and equipment,
  - c. Facilities that fail to achieve compliance through the additional required plan shall be required to install the necessary interceptor and equipment to bring the facility into compliance. The Administrative Authority may provide the Customer a reasonable period of time to achieve compliance.
5. Floor drains which discharge or have the potential to discharge grease shall be connected to a grease interceptor.
6. Black water shall not be discharged to the interceptor.
7. Upon new construction, all restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, daycare facilities, grocery stores, strip malls, community facilities, prisons, jails, camps, caterers, manufacturing plants, entities with a group of users that have multiple sewer facilities that have common ownership and the sewer facilities are part of a unified collection system that interconnects with the public collection system, and churches that prepare food for profit or donation, multiple family residences, and any other sewer owner or operator who discharge applicable waste shall install and maintain a certified grease trap, grease interceptor, separator or grease recovery devise for the efficient removal of FOG and other identified improper waste from the waste stream.
8. The owner or operator for all new installations or renovations that affect plumbing

shall purchase a plumbing permit. Based on the Arkansas State Plumbing Code, the Malvern City Code Enforcement Officer and/or the Superintendent of the Sewer Department shall approve the design, size, type, installation, and location of each interceptor, or separator. No waste other than those requiring treatment, or separation, shall be discharged into any interceptor.

9. Required interceptors and grease traps shall be operated properly and cleaned regularly by the owner or operator to prevent the escape of grease solids into the collection system. The owner or operator shall maintain the interceptor at less than 25% of the grease retention capacity is filled with accumulated grease. The owner or operator shall tightly cover the grease interceptor to prevent odor and to exclude insects and vermin.

Section 5. Non-Exemption of ordinance.

All existing and new constructed restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, daycare facilities, grocery stores, strip malls, community facilities, prisons, jails, camps, caterers, manufacturing plants, entities with a group of users that have multiple sewer facilities that have common ownership and the sewer facilities are part of a unified collection system that interconnects with the public collection system, and churches that prepare food for profit or donation, multiple family residences, and any other sewer user who discharge applicable waste shall be required to follow the requirements of this ordinance and install and maintain a certified grease trap, grease interceptor, separator or grease recovery device for the efficient removal of FOG and other identified improper waste from the waste stream.

Section 6. Exemption of ordinance.

With the exception of Section 9, churches that do not prepare food for profit or donation, private-single family living quarters, snow cone and shaved ice stands where no other type of food is prepared: grocery stores without food preparation, delicatessens, bakeries, meat packing, butchering process, and related activities, daycare centers primarily using micro waved dishes or single service items, confectionery stores which sell exclusively unpackaged sweets, confection, nuts, ice cream, yogurt, and variety food items; produce markets, mobile food establishments in a vehicle or trailer designed to be easily movable and not discharging to the collection system are exempt from the requirements of this ordinance.

Any customer exempt from any provision of this ordinance shall notify the Superintendent upon a change of ownership of the customer, of such change.

Section 7. Sand, soil, and oil interceptors. All car washes, garages, service stations, and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors.

1. There shall be no exemptions granted for Section 6. Sand, soil, and oil interceptors.
2. "New construction, renovation, and existing structures." All car washes, truck washes, garages, service stations, and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors.
3. These interceptors shall be sized to effectively remove sand, oil, and soil at the expected flow rates. An oil separator shall be installed in the drainage system or section of the system where, in the opinion of the Malvern City Code Enforcement Officer and/or the Superintendent of the Sewer Department, a

- hazard exists, or where oils or other flammables can be introduced or admitted to the sewer system by accident or otherwise. Sand and similar interceptors for heavy solids shall be of an approved design and so located as to be readily accessible for cleaning. The device shall have a water seal of not less than 6 inches and shall be installed when and where directed by the Malvern City Code Enforcement Officer and/or the Superintendent of the Sewer Department. Each interceptor shall be vented properly by the owner or operator.
4. The owner or operator shall keep these interceptors cleaned on a regular basis to prevent impact upon the wastewater collection and treatment system. Owners or operators with interceptors deemed to be ineffective by the Superintendent shall take action to correct the problem by increasing the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities shall prevent the inflow of rainwater into the sanitary sewers.
  5. The owner or operator for all new installations or renovations that affect plumbing shall purchase a plumbing permit. Based on the Arkansas State Plumbing Code, the Malvern City Code Enforcement and/or the Superintendent of the Sewer Department shall approve the design, size, type, installation, and location of each sand, soil, and oil interceptor.

Section 8. Laundries. Commercial laundries shall be equipped with an interceptor with wire basket or similar device, removable for cleaning, that prevent passage into the sewer system of solids 1/2 inch or larger in size such as, strings, rags, buttons, lint, or other solids detrimental to the system. The owner or operator for all new installations or renovations that affect plumbing shall purchase a plumbing permit. Based on the Arkansas State Plumbing Code, the Malvern City Code Enforcement shall approve the design, size, type, and location of each interceptor.

Section 9. Solvents Prohibited.

The owners and operators are prohibited from use of degreasing or line cleaning products containing petroleum-based solvents is prohibited.

Section 10. Control Equipment Efficiency.

The owner or operator shall maintain equipment at the facility so as to prevent a stoppage of the public sewer, and the accumulation of FOG in the lines, pump stations, and treatment plant. If the City of Malvern is required to clean out the public sewer lines as a result of a stoppage caused by the owner or operator's violation of this ordinance, then the owners or operators shall be required to refund the labor, equipment, materials, and overhead costs to the City to correct any problem caused by the violation. Nothing in this section shall be construed to prohibit or restrict any other remedy the City has under this ordinance, or state or federal law.

Section 11. Enforcement.

City of Malvern shall enforce this ordinance through the Administrative Authority. Whenever City of Malvern finds that any owner or operator has violated or is violating this ordinance, or any prohibition, limitation, or requirements contained herein. City of Malvern shall initiate corrective action, which may include but not be limited to the following:

- A. The Superintendent may issue the owner or operator a written notice stating the nature of violation. Within fifteen (15) days of the date of notice, the owner or operator thereof shall submit a plan for the satisfactory correction to the Superintendent.

- B. The Administrative Authority may enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with the owner or operator responsible for noncompliance. Such orders shall include specific action to be taken by the owner or operator to correct the noncompliance with a time period specific by the order.
- C. When the Administrative Authority finds that an owner or operator has violated or continues to violate the provisions set forth in this ordinance, or the order issued hereunder, the Administrative Authority may issue an order for compliance to the owner or operator responsible for the discharge. Orders may contain any requirements a, might be reasonable, necessary, and appropriate to address the noncompliance, including but not be limited to the installation of pretreatment technology, additional self-monitoring, and modified management practices.
- D. The Administrative Authority, under the authority of City of Malvern, may suspend water service, with or without notice, when such suspension is necessary in the opinion of the Superintendent, in order to stop an actual or threatened discharge which:
  - 1. Presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment;
  - 2. Causes stoppages, sanitary sewer overflows, or excessive maintenance to be performed to prevent stoppages in the sanitary sewer collection system;
  - 3. Causes interference to the sewer system; or
  - 4. Causes or increases the likelihood that the City of Malvern will violate any condition of its NPDES permit other law, or regulation. Any person notified of a violation shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, City of Malvern shall take such steps as deemed necessary, including immediate termination of water service to prevent or minimize damage to the sewer system or endangerment to any individuals. City of Malvern shall reinstate the water service when such conditions causing the suspension have been eliminated and the reconnection fee paid. A detailed written statement submitted by the owner or operator describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the Superintendent within fifteen (15) days of the date of occurrence.
- E. Notwithstanding any other remedies or procedures available to City of Malvern, any owner or operator who is found to have violated any provision of this ordinance, or any order issued hereunder, may be assessed an administrative fee, not to exceed five hundred dollars (\$500) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessment may be added to the owner or operator's next scheduled sewer service charge and City of Malvern shall have such other collection remedies as are available by law.
- F. Any owner or operator affected by a fee, order, or directive of City of Malvern issued pursuant to this ordinance may, within ten (10) days of the issuance of such fee, order, or directive, request a hearing in writing before City of Malvern to show cause why such should be modified or made to not apply to such owner or operator. The requested hearing shall be held as soon as practical after receiving the request, at which time the owner or operator affected shall have an opportunity to be heard. At the conclusion of the hearing, City of Malvern shall issue a written response to the person requesting

the hearing affirming, modifying the fee, or rescinding the penalty, order, or directive at issue.

Section 12. Each of the sections of this ordinance is declared to be separable and severable, and if any section shall be declared invalid, the remaining sections shall not be affected but shall remain in full force and effect.

Section 13. It is necessary that this ordinance shall become effective immediately in order to provide of the immediate protection of the public peace, health, and safety, and shall take effect upon its passage and approval.

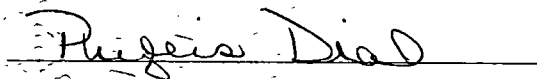
**PASSED** this 11th day of July, 2016.

APPROVED:



Mayor Brenda J. Weldon

ATTEST:



Phyllis Dial, City Clerk/Treasurer